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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,341	10/30/2003	Joel Gilon	03-665	7503

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

EXAMINER

JOHNSON, STEPHEN

ART UNIT PAPER NUMBER

3641

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,341

Applicant(s)

GILON, JOEL

Examiner

Stephen M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/25/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The disclosure is objected to because of the following informalities: The written disclosure lacks section headings (i.e. "Background of Invention"; "Detailed Description"; "Brief Description of Drawings").

Appropriate correction is required.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lacks terminology to indicate where the body of the claim starts and the preamble of the claim ends (e.g. comprising, including, consisting of, etc.). Absence of such terminology not only makes the breadth of the claim unknown but also makes the claim indefinite as to whether the claim is intended to be open-ended or close-ended in nature.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Love.

Love discloses an arrangement comprising:

- | | |
|--------------------------------------------|-------------------|
| a) an array of blast-resistant partitions; | 15, 19, 53 |
| b) subdivided space; and | see figs. 1, 2 |
| c) a public transport vehicle. | col. 1, lines 1-7 |

5. Claims 1-2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Law.

Law discloses an arrangement comprising:

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- | | |
|--------------------------------------------|---------------------------|
| a) an array of blast-resistant partitions; | 15a, 15b, col. 2, line 48 |
| b) subdivided space; and | see figs. 1, 2 |
| c) a public transport vehicle. | col. 1, lines 5-21 |

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Law in view of Madden Jr..

Law applies as previously recited. However, undisclosed is bullet proof cloth that is Kevlar. Madden Jr. teaches a bullet proof cloth that is Kevlar, col. 5, line 67. Applicant is substituting a particular type of bullet proof cloth for the generic bullet proof cloth of Law in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Madden Jr. to the Law apparatus and have an apparatus that included a particular type of bullet proof cloth.

8. Claims 1-2, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenton.

Fenton discloses an arrangement comprising:

- | | |
|-------------------------------------------------------|-----------------------|
| a) an array of perforated blast-resistant partitions; | 5, 10, 26, 28, 23, 25 |
| b) subdivided space; and | see figs. 1-3 |
| c) a public transport vehicle. | col. 1, lines 9-17 |

9. Claims 1, 3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Spatzl et al..

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Spotzl et al. disclose an arrangement comprising:

- a) an array of at least 6 blast-resistant partitions; and 8, 27
- b) subdivided space. see figs. 1, 2

10. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Madden Jr..

Madden Jr. discloses an arrangement comprising:

- a) an array of blast-resistant partitions; 110, 180, 400, 410
- b) subdivided space; see figs. 10, 12
- c) a public transport vehicle ; see fig. 15
- d) Kevlar partition ; and col. 5, line 67
- e) a polycarbonate partition. col. 5, line 1

11. Claims 1-2, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by McKenzie.

McKenzie discloses an arrangement comprising:

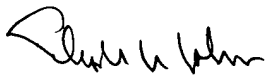
- a) an array of blast-resistant partitions; 10, 10a
- b) subdivided space; see fig. 4
- c) a public transport vehicle ; and col. 1, lines 6-23
- d) a polycarbonate partition. see claim 7

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grunewald et al., Ohayon, Wilson, Rastetter, Kotai et al., Ward, McClay et al., Hartl et al., and Japan 3-16838 disclose other state of the art armor arrangements.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326. The fax phone number for after final communications is (703) 872-9327.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ